HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 1483 of 2026

Virendra Verma

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Arvind Kumar Sahu
Counsel for Respondent(s)	:	A.S.G.I., C.S.C., Shiv Kumar Pal

Court No. - 42

HON'BLE ATUL SREEDHARAN, J.
HON'BLE ACHAL SACHDEV, J.

1. Heard Sri Arvind Kumar Sahu, learned counsel for the petitioner, Sri Abhishek Vishwakarma, Advocate, holding brief of Sri Shiv Kumar Pal, D.S.G.I., learned counsel for the Union of India/respondent no.5 and learned AGA for the State-respondent nos.1 to 4 and perused the record.

3. Present writ petition has been filed by the petitioner challenging his illegal detention under the PITNDPS Act 1988, vide order dated 07.05.2026 bearing No.290/125/2/34/2026-CX-5 (PITNDPS), passed by the respondent No.1.

4. Brief facts of the case is that the petitioner was arrested in the predicate offense being found in possession of 12 Kg.of Opium(Afeem).

5. Learned counsel for the petitioner has submitted that he has been **granted bail in the main case on 31.07.2024.** The rest of the submissions and grounds notwithstanding, this Court feels that the present petition deserves to be allowed on a singular ground that there is non-compliance with the most recent judgment of the Supreme Court, reported in **2026 INSC 810 [Alfiya.A vs. State of Kerala and others], in SLP Criminal No.**8439 of 2026, dated 28.07.2026, whereby the Supreme Court has reiterated and based

the said judgment on an earlier judgment passed by the Supreme Court itself, in **Kamleshkumar Ishwardas Patel vs. Union of India, reported in (1995) 4 SCC 51.**

6. The law laid down by the Supreme Court in both those cases were that there must be an unequivocal conveyance of information to the detenu that he or she has a right to represent to the detaining authority itself. The absence of such an intimation would render the order of detention bad. It is necessary to mention here that in **Alfiya's Case(Supra)**, the Supreme Court went so far as to observe that even though the detenu in that case did make a representation to the detaining authority, yet the same was not sufficient enough as there was no specific intimation given to the detenu that he had a right to do so.

7. In this case also, the order of detention which is at page No.16 of the petition, dated 07.05.2026, does not bear a specific intimation to the detenu that he has a right to specifically represent to the detaining authority also.

8. Under the circumstances, the present petition is **allowed**, the order of detention is quashed, the petitioner be released from detention forthwith, if not wanted in any other case.

10. The petition stands **disposed of.**

11. This Court, however, hopes that in all future cases, the State would ensure that the lacuna relating to the non-intimation to the detenu of his or her right to represent to the detaining authority also is addressed.

October 7, 2026
VKG

(Achal Sachdev,J.) (Atul Sreedharan,J.)

Digitally signed by :-
VIJAY KUMAR GUPTA
High Court of Judicature at Allahabad